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Hearing: May 14, 2014
3:30 pm

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re IMAGE RENT A CAR, INC.,
Debtor.
01288 (NHL)

Case No. 1-11-42390 NHL
Adv. Pro. No. 12-

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Digby Adler's Second and Emergency Supplement to Request that Court Refer this Matter for Investigation Under 18 USC §3057(a) and Request that the Court issue Sua Sponte an Emergency Order of Restraint In Accordance with 11 USC §105(a) of the Bankruptcy Code In Light Of E-Mail from Schenior@gmail.com Pertaining to Sublease Real Property On Which the Debtor and Transferee Operated its Business

Digby Adler Group LLC d/b/a/ Bandago ("Digby"), the Debtor's sole unsecured creditor to have filed a proof of claim and whose Federal Trademark Litigation against the Debtor on February 10, 2010 and against the defendants Gad Sebag and Schneoir Zilberman on March 21, 2011 admittedly precipitated the filing of the bankruptcy case on March 24, 2011 (ZTr.59:2-6), files this Second Supplement to its Request dated January 9, 2014 (Docket #s 89 and 90) that the Court refer this Matter for Investigation to the Appropriate US Attorney Pursuant to 11 USC §105(a), 18 USC§§3057(a), 152 and 153 (the "Referral Request") and also seeks the *sua sponte* issuance of an Order pursuant to 11 USC§ 105(a) restraining Zilberman, Naim, Sebag, Vilenkin, the Debtor and GTS and any of their respective agents, employees, relatives thereof from transferring or leasing real property at 391 Empire Blvd, Brooklyn, New York or 387 Empire Brooklyn or any lots contained therein or associated therewith and from transferring any other property, including but not limited to vehicles, monies, equipment, inventory or books and

records of GTS, Naim (relating to the vehicle rental business), the Debtor, Adir Plaza, and/or Zilberman relating to the Debtor, Adir Plaza and GTS (the “Requested Relief”):

1. Digby filed a Supplement to its Referral Request on May 9, 2014. By its Referral Request, it was alleged that the Debtor continued to operate its business under the guise of “GTS” operated by Chanah Vilenkin, Zilberman’s long term employee, and Philippe Naim, Zilberman’s wife’s uncle. (All defined terms used herein shall have the same meanings ascribed by them in the Supplement.) The Supplement summarizes the deposition testimony given of defendants and others. There is a heading in the Supplement referred to as “**B. Zilberman 3. Transfers (Monetary and Real Property).**” It reflects that Zilberman caused real property at “387 Empire Boulevard, Brooklyn” to be purchased in the name of Adir Plaza (Zilberman’s shell company which received millions of dollars from the Debtor on its behalf and which held title to many of the vehicles the Debtor used in its business). It then reflects that Zilberman caused Adir Plaza to “transfer” the property to another company formed by Zilberman, which then transferred the property to Naim. ZTr. 44:18-25, 45-49. (Naim via “GTS” is the transferee of all of the Debtor’s assets, including the 77 Vehicles transferred for \$1 each.) The Debtor operated its business from 391 Empire Boulevard, Brooklyn, New York and so did GTS/Naim after the transfer under “Image Rent A Car.” Naim testified that the location of the land at 387 Empire Boulevard, Brooklyn that he “purchased” is at

“391 Empire Boulevard, Brooklyn, New York, but they call it 387 [Empire Boulevard] also because it’s a small part.” (NTr.66:5-6)”

Zilberman is “not sure of the date” the transfer took place. ZTr. 60:23. Naim testified he purchased “part of the lot in 2008. NTr. 65:20-21, 66:20. Based upon the undersigned’s communications with the Trustee, and unless recently produced, it does not appear that Naim turned over the deed requested by the Trustee. NTr. 70:17. And as set forth below, it appears

that Zilberman is acting as though he still owns the property, or has rights to sublease same.

2. The undersigned just received emergent e-mails from David Baksht advising me that he:

“just got a call from an acquaintance at chabad, zilbermmans wife trying to sublet the lot to him for \$ 5k per mo. he is asking me if he would get entangled in the web of criminal problems facing zilberman what should i tell him.”

“The deal may close tomorrow for the lot.”

3. Baksht just forwarded me an email that he indicates is from Shneior Zilberman that threatens Bakshst

----- Forwarded message -----

“From: **Shneior** <shneior@[gmail.com](mailto:shneior@gmail.com)>

Date: Mon, May 12, 2014 at 11:12 AM

Subject: Re: image lot

To: david lipsker <davidlipsker@[gmail.com](mailto:davidlipsker@gmail.com)>

dont interfere with our sublease of the lot you or i will file another complaint against you you sob”

4. Attached hereto copies of the emails sent, as well as relevant pages of the transcripts of Zilberman and Naim.
5. Digby Adler has requested that the Trustee’s counsel to bring on an order to show cause seeking the restraint of this land, as well as any other property of “GTS” pending investigation by this Court, US Attorney and US Trustee.
6. Section 105(a) of the Bankruptcy Code empowers this Court to sua sponte issue an appropriate order:
 - (a) The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title. No provision of this title providing for the raising of an issue by a party in interest shall be construed to preclude the court from, sua sponte, taking any action or making any determination necessary or appropriate to enforce or implement court orders or rules, or to prevent an abuse of process. 11 USC §105(a)
5. The hearing on this matter is scheduled for May 13, 2014 at 3:30 pm.

CONCLUSION

WHEREFORE, Digby respectfully requests that its Requested Relief and any such other and further relief as it deems just and proper be granted.

Dated: New York, New York
May 12, 2014

/s/ Barbie Lieber
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